

II. REMARKS

A. Status of the Claims

Claims 69, 91-93, 95, 97, 98, 115-117, 119-126, and 135-137 were pending in the case at the time of the Office Action. No claims have been amended. Claims 135-137 have been canceled without prejudice or disclaimer. New claims 138-169 have been added. Claims 69, 91-93, 95, 97, 115-117, and 119-126 are allowed per the Office Action dated September 15, 2009. Thus, claims 69, 91-93, 95, 97, 98, 115-117, 119-126, and 138-169 are currently under consideration.

B. The Indefiniteness Rejections Under 35 U.S.C. §112, Second Paragraph, Are Overcome

Claims 135-137 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, claim 135 is alleged to be indefinite for reciting “one or more dyes selected from the group consisting of” since claim 69 from which claim 135 depends) recites “consisting essentially of.” Applicants respectfully traverse.

In view of the cancellation of claims 135-137 without prejudice or disclaimer, this rejection has been rendered moot.

Applicants note that as to new claims 138-139, these claims are not indefinite as the claim language makes it clear that the composition consists essentially of the components recited in each of subparts a)-c). Non-limiting examples of support for claims 138-139 in the instant specification include the claims as originally filed and page 4, line 20 – page 5, line 28. None of the remaining new claims are indefinite.

In view of the foregoing, it is respectfully requested that the rejection of claims 135-137 under 35 U.S.C. §112, second paragraph, be withdrawn.

C. The Double Patenting Rejection is Moot

Claim 98 has been objected to under 37 C.F.R. §1.75 as being a substantial duplicate of claim 97. Applicants respectfully traverse. Claim 98 has been canceled without prejudice or disclaimer. Therefore, this rejection is moot.

D. New Claims

As to new claims 138-169, support for the new claims can be found generally throughout the specification, such as in the claims as originally filed. It is noted that claims 138-138 cover subject matter of a similar scope to claims 135-137 (now canceled). These claims are not indefinite as discussed above, and should thus be allowable. Claims 139-169 separately recite each of the surfaces, equipment, and catheters set forth in claims 69, 115, and 117. Given the allowance of claims 69, 115, and 117, it is respectfully submitted that claims 139-169 should as well be allowable.

E. Conclusion

In view of the foregoing, it is respectfully submitted that each of the pending claims is in condition for allowance, and a Notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned attorney at (512) 536-5639 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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